UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1993/SR.27
1 July 1994

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fifth session

SUMMARY RECORD OF THE 27th MEETING (FIRST PART*)

Held at the Palais des Nations, Geneva,
on Friday, 20 August 1993, at 3 p.m.

Chairman: Mr. AL-KHASAWNEH

later: Mr. YIMER

CONTENTS

Consideration of draft resolutions and decisions (continued)

-

* The summary record of the first part of the meeting appears as document E/CN.4/Sub.2/1993/SR.27/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.93-14996 (E)

CONTENTS (continued)

Review of further developments in fields with which the Sub-Commission has been concerned (continued)

Implications of humanitarian activities for the enjoyment of human rights (continued)

Discrimination against indigenous peoples (continued)

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS (continued)

Draft resolutions relating to agenda item 6 (E/CN.4/Sub.2/1993/L.17, L.19, L.23, L.27, L.28, L.30 and L.31)

Draft resolution E/CN.4/Sub.2/1993/L.17 (Situation in the Palestinian and other Arab territories occupied by Israel)

1. The CHAIRMAN read out a draft amendment from Mr. Sachar proposing the addition of the following text after the last preambular paragraph: "Taking into account the ongoing process of negotiation between the parties concerned since the Madrid International Peace Conference and encouraging this process to speedily reach a lasting settlement on the basis of Security Council resolutions 242 and 338 and all other relevant United Nations resolutions,".

2. At the invitation of the Chairman, Mrs. Attah and Mrs. Daes acted as tellers.

3. A vote was taken by secret ballot.

4. Draft resolution E/CN.4/Sub.2/1993/L.17, as amended, was adopted by 17 votes to 2, with 5 abstentions.

Draft resolution E/CN.4/Sub.2/1993/L.19 (Situation of human rights in Iraq)

5. Mr. BOSSUYT said that he was to have introduced the draft resolution, but, as the text had not yet been finalized, consideration of it should be deferred.

Draft resolution E/CN.4/Sub.2/1993/L.23 (Situation in Myanmar)

6. Consideration of the draft resolution was deferred.

Draft resolution E/CN.4/Sub.2/1993/L.27 (The situation of human rights in Sri Lanka)

7. Mr. EIDE, introducing the draft resolution, said that for 10 years the Sub-Commission had been concerned with the situation in Sri Lanka, formerly a very peaceful and democratic country, but now prey to violence. He was fully aware that the situation had become very complicated since the emergence of an armed opposition group and acknowledged the willingness of the Sri Lanka Government to cooperate with the Commission on Human Rights. Despite the fact that paragraph 4 of the draft resolution rightly condemned the use by the Liberation Tigers of Tamil Eelam of summary executions and other indefensible practices, the negotiations seemed to him to be so important, in the light the talks which he had had with the representatives of Sri Lanka who had convinced him of the Government's goodwill and firm determination to respect human rights, that he recommended to the Sub-Commission that the draft resolution should be withdrawn. He requested that the representative of Sri Lanka should be allowed to make a statement.

8. Mr. MARAPANA (Sri Lanka) recalled that, at the forty-ninth session of the Commission on Human Rights in March 1993, the delegation of Sri Lanka had described the main lines of the programme which the Government had drawn up for the current year. He was glad that Mr. Eide had proposed that the draft resolution on Sri Lanka should be withdrawn and he described the situation in the country with regard in particular to the action taken to establish the fate of missing persons; a presidential commission to inquire into involuntary disappearances had been established. The persons responsible for such disappearances and the perpetrators of other human rights violations were being prosecuted systematically. Furthermore, the emergency legislation related to arrest and detention had been revised and a new version had been promulgated on 17 June 1993. All the emergency legislation had been reviewed and any provisions judged to be superfluous were now being revoked. The ones which remained necessary would become law after their adoption in accordance with the usual legislative procedure.

9. Free elections would be organized in the east and in some regions in the north of the country. In addition, the question whether the north and east should become a single administrative unit would be decided by referendum. Once the elections and the referendum had been held, the Tamils would have their own elected representatives and the Government would then be able to negotiate a solution for the remaining problems. It was to be hoped that the Liberation Tigers of Tamil Eelam would take part in the negotiations and the democratic process. The recommendations of the Working Group on Enforced or Involuntary Disappearances were close to completion and the Government had decided to accede to the Convention against Torture.

10. Referring to draft resolution E/CN.4/Sub.2/1993/L.22, which had been adopted at the preceding meeting and contained a denunciation of acts of terrorism, he condemned the terrorism in his country which was designed to destroy the democratic fabric of society. The new President of Sri Lanka had been in office for about a hundred days and the measures already taken to strengthen the democratic process had the support of the large majority of Sri Lankans. He assured the Sub-Commission that the Government of Sri Lanka was determined to pursue a policy of transparency and would continue to keep United Nations organs informed about the situation in Sri Lanka.

11. Draft resolution E/CN.4/Sub.2/1993/L.27 was withdrawn.

12. Mrs. ATTAH thanked the sponsors for withdrawing the draft resolution. She shared the concern of the members of the mission which had recently visited Sri Lanka and thanked the Government of Sri Lanka for the measures it was taking to improve the situation.

Draft resolution E/CN.4/Sub.2/1993/L.28 (Situation of human rights in Guatemala)

13. Mrs. FORERO, Mr. HATANO, Mr. JOINET and Mr. MAXIM said that they wished to become sponsors of the draft resolution.

14. Mr. HELLER said that the draft resolution was very important because of the developments in Guatemala following the restoration of constitutional order and the designation of Mr. Ramiro de León Carpio, the former Procurator

for Human Rights, as President of the Republic. The President had already injected fresh energy into the country's political, economic, social and cultural life and had also given attention to the specific needs of the indigenous peoples. It was now to be hoped that the Unidad Revolucionaria Nacional Guatemalteca would in turn demonstrate the same goodwill and that the internal armed conflict could thus be brought to an end.

15. The draft resolution had a large number of sponsors - evidence of the desire to convey a message of support to the new Government. It was in fact important for the Sub-Commission to state its position clearly and encourage all those who were fighting for harmony and human rights. In order to improve the English version of the text, he requested that the penultimate line of the preamble should be amended to read: "an agreement which will bring the internal armed conflict to an end and permit the establishment of a firm and lasting peace".

16. Mrs. CHAVEZ thanked her colleagues in the Sub-Commission who had sponsored the draft resolution, which she thought was both well balanced and very positive, making due mention of the developments in Guatemala in recent months. She commended the President of Guatemala for his commitment to human rights and expressed the hope that the insurgents would renounce violence and participate in the democratic process.

17. Mr. JOINET said that he was grateful to everyone involved for the constructive spirit which they had demonstrated and for the concessions made to enable what was an important draft resolution to be adopted by consensus.

18. The CHAIRMAN said that he took it that the members of the Sub-Commission agreed that the draft resolution should be adopted.

19. Draft resolution E/CN.4/Sub.2/1993/L.28 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1993/L.30 (The situation in Bosnia and Herzegovina)

20. The CHAIRMAN said that, at the request of Mr. Alfonso Martínez, the draft resolution would be put to a vote.

21. At the invitation of the Chairman, Mr. Boutkevitch and Mr. Hakim acted as tellers.

22. A vote was taken by secret ballot.

23. Draft resolution E/CN.4/Sub.2/1993/L.30 was adopted by 22 votes to 1, with 1 abstention.

Draft resolution E/CN.4/Sub.2/1993/L.31 (The situation of human rights in Haiti)

24. Mr. DESPOUY, introducing draft resolution E/CN.4/Sub.2/1993/L.31, said that it was designed to improve understanding of the complicated situation in Haiti and that it gave some idea of the positive development of the situation towards the restoration of democracy with the support not only of the

United Nations and the Organization of American States (OAS), but also of the Haitian people itself. Two years earlier, the constitutionally elected President, Fr. Jean Bertrand Aristide, had been removed from power by a military junta and a stringent embargo had been imposed on the country by OAS. Many attempts had been made to break the deadlock, but they had been unsuccessful owing to the intransigence of the de facto authorities. A welcome should therefore be given to the agreements which had been signed in New York between President Aristide and the Chief of the armed forces and the different political parties of Haiti, which provided for a programme of international cooperation and a series of institutional reforms, including the professionalization of the armed forces, the establishment of a new police force and the reform of the judicial system and which should culminate, on 30 October 1993, in the return to the country of the constitutional President of the Republic. A further agreement had subsequently been signed between the various political forces represented in Parliament aimed at establishing a political truce, the normalization of Parliament and the enactment of fundamental laws for a peaceful transition. Many problems would still have to be settled, but the first results were encouraging. The negotiations had provided the first example of direct collaboration between the United Nations and OAS and the exercise demonstrated that conflicts could be solved by means of multilateral negotiations under the auspices of the United Nations and with respect for certain principles, namely, the non-interference and non-deployment of troops advocated by OAS, and that dictatorship could thus be overthrown. If the process which had begun in Haiti did indeed culminate in the return of President Aristide to his country, the whole of Latin America could be proud of that achievement, for it would show that democracy could also be established in that region of the world.

25. Mr. GUISSÉ said that he rather doubted the usefulness of the draft resolution. Developments in Haiti would depend on the implementation of the agreements signed between the parties and United Nations supervision would not have any great effect in that process. He therefore wondered whether it would not be better to withdraw the draft resolution.

26. Mrs. KSENTINI said that the title of the draft resolution did not fit its content, since it gave the impression that the human rights situation had not improved or had even deteriorated in Haiti. She therefore proposed to substitute the following title: "Situation in Haiti: promotion of the restoration of the democratic process and national reconstruction". She would also like to know the membership of the "international civil mission" referred to in the penultimate preambular paragraph which had put the number of victims of extrajudicial executions at over 30. In a draft resolution it would be better to avoid citing figures which were not certain. She also wished to point out that the date set for the return to Haiti of President Aristide was 30 October 1993 and not 1991 as indicated in paragraph 3. As in the case of the title of the draft resolution, she suggested that, in paragraph 6, the words "to examine the situation of human rights in Haiti" should be replaced by "to monitor developments in Haiti".

27. The CHAIRMAN said that the wrong date pointed out by Mrs. Ksentini in paragraph 3 appeared only in the French version of the text and that the error would be corrected. He announced that Mr. Joinet, Mr. Heller and Mr. Vergne Saboia had become sponsors of the draft resolution.

28. Mr. HELLER said that he did not believe, as Mr. Guissé appeared to do, that the draft resolution should be withdrawn. It was the duty of the international community, through the United Nations, to monitor the implementation of the agreements and to see that democracy was truly re-established and human rights effectively respected in Haiti. The Sub-Commission therefore ought to support the draft resolution, which was on a topic that numbered among its concerns.

29. Mr. VERGNE SABOIA commended Mr. Despouy on his active participation in the negotiating process which had been conducted in Haiti in order to put an end to a situation of great concern to the international community. It was clear that the international community must make available to Haiti all the resources needed to ensure its economic reconstruction and eliminate the extreme poverty which was one of the main causes of its problems and the main obstacle to the restoration of democracy. It was therefore important for the Sub-Commission to support the draft resolution.

30. Mr. ALFONSO MARTINEZ said that he shared the views of all those who had spoken in favour of the draft resolution. It was indeed very important to monitor developments in Haiti until institutional order had been re-established there and President Aristide had returned to power.

31. Mr. GUISSÉ said that he was in no way opposed to the draft resolution. He had suggested that it should be withdrawn simply because the situation in Haiti was already being monitored by several other organs responsible for supervising the implementation of the decisions concerning the restoration of democracy in that country. He thus thought that the draft resolution duplicated the ones adopted in other bodies. However, he would not press his proposal.

32. Mr. JOINET said that he fully understood why Mr. Guissé had proposed withdrawal, but thought that, if the Sub-Commission was to give its views only on situations which were not considered by other organs, it would have to withdraw almost all the draft resolutions which had been submitted. Furthermore, there was no established rule prohibiting one organ from taking up a situation already being considered by another. On the contrary, when other bodies were considering an issue, they should be encouraged to continue to do so until the desired result was obtained. He therefore fully supported the draft resolution.

33. Mrs. WARZAZI said that the Commission on Human Rights had always given very firm instructions to the Sub-Commission on the point at issue, instructions which the Sub-Commission regularly disobeyed.

34. Mr. DESPOUY said that he was glad that several experts had also sponsored the draft resolution, demonstrating that they shared his approach to the matter. In reply to the question put by Mrs. Ksentini, he said that the international civil mission had been composed of United Nations and OAS observers and that the figures cited in the preambular paragraph in question had been taken from the mission's reports, which were reliable. But it might in fact be useful to state explicitly that it was a United Nations/OAS mission. He also accepted the two amendments proposed by Mrs. Ksentini concerning the title of the draft resolution and paragraph 6.

35. Mrs. DAES said that she was not sure that the new title proposed by Mrs. Ksentini was in fact consistent with the content of the draft resolution or that the draft resolution was in fact concerned with the reconstruction of Haiti.

36. Mr. ALFONSO MARTINEZ pointed out that paragraph 4 of the draft resolution did in fact mention the economic reconstruction of the country and the resources which the international community must make available for the purpose.

37. Mr. ANTONIO (Observer for Haiti) said that the Haitian delegation had on many occasions denounced in the Commission and the Sub-Commission the systematic violations of the rights of Haitians by the junta and had emphasized the need for assistance from the international community to enable Haiti to emerge from the crisis. The agreements signed between President Jean-Bertrand Aristide and General Raoul Cedras were designed to achieve the establishment of a Government of national unity and the return of President Aristide to Haiti on 30 October 1993. Those results were the fruit of the long struggle of the Haitian people against the coup regime. The Haitian delegation wished above all to pay a tribute to the resistance of the Haitian people. It also expressed its thanks to the United Nations, to the Organization of American States, to all the Governments and to all the non-governmental organizations which had consistently demonstrated their solidarity with the Haitian people and its legitimate cause and their support for it in the struggle.

38. The Governor's Island agreements had marked a turning point. Nevertheless, the repression had not ceased in Haiti and the military junta and its allies were still murdering people who advocated a return to legitimacy. The observers of the international civil mission had reported a sharp increase in summary executions and suspicious deaths since the signing of the agreements. That was why, while welcoming the results obtained so far, the Haitian delegation invited the international community to be more vigilant than ever before in order to ensure that the resolutions adopted and the agreements signed were actually put into effect. It was in that spirit that it supported the draft resolution before the Sub-Commission.

39. Draft resolution E/CN.4/Sub.2/1993/L.31, as orally amended, was adopted without a vote.

40. Mr. Yimer took the Chair.

Draft resolution E/CN.4/Sub.2/1993/L.23/Rev.1 (The situation in Myanmar)

41. Mr. TIN KYAW HLAING (Observer for Myanmar) said that it was regrettable that several of the paragraphs of draft resolution E/CN.4/Sub.2/1993/L.23/Rev.1 had been based on unfounded and in many instances malicious allegations against the Myanmar authorities emanating from sources outside Myanmar or from terrorist groups based along the country's border. That was true in particular of paragraph 1 and the preambular paragraph on the subject of the alleged persecution of members of certain religious faiths. The Myanmar delegation firmly rejected those allegations.

42. With regard to the various national racial groups in Myanmar, he said that, on 12 February 1994, the people of Myanmar had celebrated the forty-sixth anniversary of Union Day proclaimed in commemoration of the signing of the Panglong Agreement, under which the various racial groups making up the Myanmar people had decided in unison to free themselves from the colonial yoke. The International Year for the World's Indigenous People had also been celebrated on that occasion. There were eight major national races in Myanmar which could be subdivided into 135 racial groups whose ancestors had originated in Asia and had come to settle, long before the beginning of the Christian era, on the land which today formed the Union of Myanmar. It was quite wrong to talk about ethnic minorities in Myanmar, since all those national racial groups were indigenous peoples which had lived in Myanmar for thousands of years. Prior to and following its accession to political independence on 4 January 1948, Myanmar had had its share of difficulties which were largely attributable to its colonial legacy. Two constitutions had been adopted, but had become inoperative, and a new democratic constitution was being elaborated at a national convention currently taking place in Yangon, in which representatives of all the national racial groups were taking part. None of those groups had ever been subjected to discrimination or persecution. In fact, together they constituted the very essence of the country, which drew its strength from them; it was therefore essential for them to live in unity. All the allegations on that subject came from armed terrorist groups which did not even have the support of the members of their own community and thus lacked any authenticity. That was why the Myanmar delegation believed that the draft resolution on the situation in Myanmar now before the Sub-Commission did not reflect the situation in Myanmar and was thus unwarranted and pointless.

43. At the request of Mrs. Ksentini, a vote was taken by secret ballot.

44. At the invitation of the Chairman, Mrs. Ksentini and Mr. Tian Jin acted as tellers.

45. Draft resolution E/CN.4/Sub.2/1993/L.23/Rev.1 was adopted by 17 votes to 2, with 5 abstentions.

Draft resolution E/CN.4/Sub.2/1993/L.19 (Situation of human rights in Iraq)

46. Mr. BOSSUYT, speaking on behalf of the sponsors, proposed the addition of an eleventh preambular paragraph reading: "Noting the FAO/WFP crop and food supply assessment mission to Iraq of June 1993, which describes the negative impact of the international embargo on the civilian population, especially the most vulnerable groups,"; the inclusion between paragraphs 6 and 7 of a new paragraph reading: "Deplores the continuing victimization of civilians and obstruction of civilian infrastructure as a result of military actions against Iraq;"; and the substitution of the words "violations of human rights" for the word "atrocities" in paragraph 10. He hoped that those changes would meet the concerns stated by some members of the Sub-Commission.

47. At the request of Mr. Ramadhane, a vote was taken by secret ballot.

48. At the invitation of the Chairman, Mr. Heller and Mr. Sachar acted as tellers.

49. Draft resolution E/CN.4/Sub.2/1993/L.19, as amended, was adopted by 14 votes to 9, with 2 abstentions.

Draft statement by the Chairman

50. The CHAIRMAN read out the following draft statement:

"Support for the peace process in El Salvador

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Expresses its profound satisfaction and appreciation to El Salvador at the significance of the end to the armed conflict for the success of the peace process and the promotion and protection of human rights;

Emphasizes the importance of the Peace Agreements reached on 16 January 1992 in Chapultepec, Mexico, between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional;

Stresses the need for full compliance with all the pending peace agreements;

Emphasizes that, in this process, the effective protection of human rights calls, inter alia, for the continuation of the strengthening of the judiciary system and of the Office of the Attorney-General for the Protection of Human Rights, as well as adaptation of the organization of the National Civil Police, in accordance with the provisions of the Peace Agreements and taking into account the recommendations of the Commission on the Truth;

Reiterates its support for the work being done by the Secretary-General of the United Nations, his Personal Representative and members of the United Nations Observer Mission in El Salvador (UNOSAL) in the cause of understanding between the parties, of progress in the fulfilment of the commitments assumed and in the consolidation of peace;

Reiterates its appeal to all States to contribute to the consolidation of peace and to support efforts to ensure full respect for human rights in El Salvador, on the basis of full implementation of and generous funding for the Peace Agreements, together with the National Reconstruction Plan."

51. The draft statement by the Chairman on the situation in El Salvador was adopted without a vote.

Draft resolutions relating to agenda item 18

Draft resolution E/CN.4/Sub.2/1993/L.25 (Freedom of movement and the situation of migrant workers and their families)

52. The CHAIRMAN announced that Mrs. Daes and Mrs. Forero Ucros wished to become sponsors of the draft resolution.

53. Mr. GUISSÉ said that, in preambular paragraph 7 of the French version of the text, the word "modifier" should be replaced by the words "lutter efficacement contre".

54. Draft resolution E/CN.4/Sub.2/1993/L.25, as amended, was adopted without a vote.

Draft resolutions relating to agenda item 12

Draft resolution E/CN.4/Sub.2/1993/L.29 (Human rights and disability)

55. Mr. DESPOUY said that the title of the Spanish version of the text should be "Los derechos humanos y las personas con discapacidad" instead of "Los derechos humanos y la incapacidad". In paragraph 2 of the Spanish text, the words "hayan hecho" should be replaced by the words "se estan llevando a cabo dentro de".

56. The CHAIRMAN announced that Mrs. Ksentini, Mr. Alfonso Martínez, Mr. Ramadhane and Mr. Tian Jin wished to become sponsors of the draft resolution.

57. Draft resolution E/CN.4/Sub.2/1993/L.29, as amended, was adopted without a vote.

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED (agenda item 4) (continued) (E/CN.4/Sub.2/1993/2-4, 6-9 and 10 and Corr.1-2; E/CN.4/Sub.2/1993/NGO/1; A/CONF.157/23)

IMPLICATIONS OF HUMANITARIAN ACTIVITIES FOR THE ENJOYMENT OF HUMAN RIGHTS (agenda item 19) (continued)

58. Mr. Yimer took the Chair.

59. Mr. MIRANDA (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that his statement was supported by Service, Peace and Justice in Latin America. With regard to the impunity of the perpetrators of human rights violations, the Latin American Federation of Associations of Relatives of Disappeared Detainees, (FEDEFAM) thought that the failure to prosecute and punish the guilty parties rendered the distinction between democracy and authoritarianism daily less clear and discredited democratic institutions. With a view to making a contribution to the next report on the topic, FEDEFAM and Service, Peace and Justice in Latin America had the following criticisms to offer concerning the report by Mr. Joinet and Mr. Guissé (E/CN.4/Sub.2/1993/6): it ought to have focused more particularly on impunity as a State policy rather than on the violations which led to

impunity. In fact, impunity was in itself a violation of human rights. In addition, attention should be given to the relation between repressive policies based in particular on the doctrine of national security which violated human rights and on State policies which, in the same way, embodied impunity. Furthermore, the report referred only to the impunity of the perpetrators of violations of civil and political rights. FEDEFAM and Service, Peace and Justice in Latin America, like the authors of the report, would like the study to have two stages, with the second devoted to violations of economic, social and cultural rights. The second part of the study would not be limited to corruption, but attention would also be given to the responsibilities of States in the application of economic policies and to those of intergovernmental bodies such as the International Monetary Fund and the World Bank.

60. The report stated that NGOs wanted the most serious violations to be classified as crimes against humanity in order to render them imprescriptible and to avoid manipulation of the rules of prescription. FEDEFAM and Service, Peace and Justice in Latin America thought, however, that some human rights violations were crimes against humanity by their very nature and were not subject to statutory limitations not only with regard to criminal prosecution and punishment, but also in all other regards, in particular amnesty. That in no way mitigated the gravity of the notion of crime against humanity, as the authors of the report seemed to fear. It was not acceptable, as proposed in paragraph 88 of the report, to characterize enforced disappearances as continuing crimes rather than as crimes against humanity in order to evade prescription, for there was no need expressly to classify as a continuing crime conduct which was so by its nature; furthermore, by reason of its gravity, enforced disappearance must as such be regarded as a crime against humanity.

61. It was worrying that the report attached so little importance to military courts, especially since they were one of the main factors in impunity. That aspect ought to be examined more fully in the next report. The authors also thought a priori that it was impossible to bring to justice all the perpetrators of serious violations of human rights and they acknowledged the existence of absolute impunity and relative impunity. It was inconceivable that a United Nations document should contain the notion of relative impunity, for it implied the legitimization of certain reprehensible practices. Lastly, paragraph 65 of the report gave the impression that only bodies which were not elected in accordance with the rules of popular participation were able to take measures contrary to international law. FEDEFAM and Service, Peace and Justice in Latin America thought that that was not always the case.

62. He hoped that the exchanges of views with NGOs, which he thought very fruitful, would continue and he assured the Sub-Commission that the organizations on behalf of which he had just spoken would give their full cooperation to the Special Rapporteurs in the continuation of their study.

63. Mr. ESHETE (African Association of Education for Development) said that the impunity enjoyed by the perpetrators of serious violations of human rights in the third world and particularly in Africa was due to the silence imposed by the big international Powers, in particular the United States, with regard to the situation in certain countries, including Ethiopia. Such impunity was

also due to the fact that, in some organs such as the Sub-Commission, only Governments had a say in the matter and that no African NGO had denounced the human rights violations committed by those Governments.

64. Emperor Haile Selassie, for example, had violated on a mass scale the right to life of the people of Ethiopia, since he was responsible for the famine which had caused hundreds of thousands of deaths in the early 1970s. Generally speaking, whether they came to power by the will of God or by force of arms, African leaders believed that their peoples could be disposed of as they wished and that the country's resources belonged to themselves. Once they had filled their pockets, they went to live a life of luxury abroad, as Idi Amin, Siad Barre and Menghistu Haile Mariam had done.

65. Ethiopia had today become a colony of Eritrea. The country was in fact in the hands of Tigrai-Eritrean guerrillas who had totally dismantled the country's army, police force and justice system. Those guerrilla forces were controlled by an ethnic minority and supported by the Western Powers, in particular the United States. They committed mass violations of human rights and were engaged in an exercise of ethnic cleansing, of which no one made any mention and which was aimed mainly at the Amaras.

66. Mrs. MORRIS (Human Rights Advocates), speaking on behalf of Human Rights Advocates, the Natural Heritage Institute and Pax Christi, congratulated Mrs. Ksentini on her excellent report on human rights and the environment. The three organizations supported in particular Mrs. Ksentini's recommendation that a special rapporteur should be appointed by the Commission on Human Rights to monitor situations in which environmental problems could lead to human rights violations.

67. She drew particular attention to the plight of the Ogoni people, which had always lived in the Niger delta. While the release of Mr. Ken Saro-Wiwa, who had been imprisoned by the Nigerian Government for informing the international community about the tragic situation of the Ogoni people was welcome, it still remained for the Government to withdraw all the charges against him. The Sub-Commission should denounce the attitude of the Nigerian Government and of the oil companies which had caused serious damage to the traditional natural environment of the Ogoni.

68. In Tibet, the increasingly intensive exploitation of the country's natural resources by the Chinese Government was causing soil erosion and flooding and threatening the survival of a number of animal species. The way in which the Chinese Government treated nuclear wastes in Tibet was a further source of serious concern. The very survival of the Tibetan people was threatened by the exploitation of the natural resources of the country and by the establishment of settlers there.

69. In order to protect the victims of environmental abuse, 120 academics from all parts of the world had met in May 1993 to study the links between human rights, the environment and sustainable development. They requested the Sub-Commission to clarify the notion of environmental human rights, to define clearly the nature of environmental rights and their place within human rights doctrine, to explain the inextricable link between protection of the environment and protection of human rights, to define the responsibilities of

international development agencies and other financial institutions with regard to the evaluation of the social consequences of development projects, to define the mechanisms by which victims could seek redress for harm suffered, to modify bilateral and multilateral trade agreements in order to protect environmental rights, and to expand the scope and applicability of the various dispute settlement mechanisms.

70. The organizations which she represented strongly supported Mrs. Ksentini's recommendation that a meeting of experts should be convened to study the question of human rights and the environment.

71. Mrs. GOTTLICHER (International Educational Development) said that one of the greatest problems of humanitarian aid in the former Yugoslavia was the deliberate obstruction of humanitarian corridors. The Yugoslav army planned by such action to diminish the defensive capabilities of encircled towns or regions and to convince the local Croat population that their only chance of survival was to flee. That was what had happened in several towns, for example, Ilok, Slunj, Saborsko and Pakrac. The Pakrac hospital had been almost completely destroyed by artillery fire and a Red Cross convoy heading for Pakrac in order to evacuate wounded patients who had hidden in the hospital basement had come under heavy fire from the Yugoslav army. During the seige of Vukovar, the Yugoslav army had allowed neither food or medicine to enter the town. Only 112 seriously wounded patients had been evacuated from the hospital, in extremely difficult conditions. One hundred and fifty other seriously wounded who had remained in the hospital basement had been killed after the fall of the town. The international community had a duty to take concrete measures to protect the humanitarian convoys, especially in Bosnia and Herzegovina.

72. Mrs. BOUVIER (Minority Rights Group) said that one of the most effective ways to repress a community was to deny its members the exercise of their economic and social rights on an equal footing with other population groups. In Tibet, workers were being dismissed and replaced by incoming Chinese settlers. New graduates from Chinese universities immediately found employment; Tibetan students did not and they had protested against that discrimination. The Chinese occupation of Tibet had disrupted the country's economy. All land, resources and economic activities had been collectivized and were run by a political party centred in Beijing. There was talk of modernization and rapid growth in Tibet, but it was a fact, for example, that the Chinese owned 12,000 private businesses against only 300 owned by Tibetans. In those circumstances, how could the Chinese authorities claim that only 3 per cent of the population of the region was Chinese? In fact, Chinese were being encouraged to travel and invest in Tibet in accordance with the new principle that anyone who invested possessed what he created and benefited from what he did.

73. Tibetans were not able to take advantage of that policy, since they were subject to a number of discriminatory measures. For example, they were forbidden to trade in certain products. All of Tibet's natural resources and minerals were exploited by Chinese and shipped off to China. Unlike the Chinese, any Tibetans who wished to engage in business had no backing, no protection and no security. They were totally sidelined when it came to

employment or participation in public affairs and decision-making. The Sub-Commission must make a close examination of China's economic, social and cultural policies in Tibet.

74. Mr. PEREZ CASAS (International League for the Rights and Liberation of Peoples) said that relations between the developed and the developing countries, especially the countries of Latin America, were still characterized by a serious imbalance in the terms of trade. The deterioration in the economy and in living conditions was the cause of the people's resistance movements which had risen up against social regression in various countries. Military dictatorships had taken it upon themselves to carry out the transition to a model imposed by the big transnational corporations. The dictatorial and corrupt regimes of Latin America had borrowed money which, with very few exceptions, had been wasted.

75. The dominant economic groups and the big industrial countries had used the pretext of easing the debt burden to impose structural adjustment policies through the International Monetary Fund and the World Bank. That was producing enormous profits for the big transnational corporations (for example, the Union de Banques Suisses had just announced that, in the first half of 1993, its profits had increased by 89 per cent over the first half of 1992), as well as insuperable economic and social problems for the developing countries (bankruptcy of national enterprises which had fallen victim to the free trade preached by GATT, price liberalization, wage freezes, reduction of public expenditure especially in education, and privatization of State enterprises). The World Bank had recently gone so far as to propose the privatization of health services in order to improve the health situation! A new political model which might be described as Fujimorist had thus been recruited to the service of such policies in Latin America.

76. Haiti provided a further and tragic example of the consequences for human rights in Latin America and the Caribbean of the policies pursued by the transnational Powers. The removal of President Aristide and the conditions imposed for his return were due in large part to the powerful United States economic interests in Haiti.

77. Economic progress ought to go hand in hand with decent wages and reduced working hours and with a new balance between income from capital and income from work. Accordingly, citizens must be given a genuine role in the taking of decisions which concerned them, international financial institutions must undergo profound change to make them more democratic and the right of peoples to take the decisions concerning themselves and their resources must be fully recognized. The General Assembly of the United Nations must immediately adopt a resolution classifying as international crimes violations of the right to development and the economic, social and cultural rights of peoples.

DISCRIMINATION AGAINST INDIGENOUS PEOPLES (agenda item 14) (continued)

78. Mrs. ZALABATA (Centre Europe-Tiers Monde), speaking on behalf of the peoples of the Sierra Nevada de Santa Marta, Colombia, said that the Arhuaca people shared that territory with the Kogi and Arzario peoples, which shared the same world view linking the struggle for survival closely to love of the land. For those peoples, the Sierra Nevada was a sacred land which they

regarded as the heart of the world. Colombia had 82 indigenous peoples, each different, but all bound together by the struggle for their common rights. They wanted to continue living on the land handed down to them by their ancestors and to preserve their identity. She stressed the importance of ancestral beliefs in the land, from which the Indians held that they originated and drew their substance. She denounced the theft and destruction of that land. Attempts to destroy it dated back 500 years, when the invaders had arrived with their own systems of thought and law and their own religion. The process of destruction was continuing: on 28 November 1990, the three senior chiefs of the Arhuaca people, Luis Napoleón Torres, Angel María Torres and Hughes Chaparro, had been kidnapped, tortured and murdered. Those acts had been attributed to members of the Colombian army. The military justice system had refused to name the guilty parties, who enjoyed total impunity. On 13 April 1993, Gregorio Nieves, a member of the Arzario community, had also been murdered by soldiers. In addition, on 16 December 1991 at Huellas in Cauca department, 20 other persons had been murdered; the national police were alleged to be responsible. Despite those irreparable losses, the indigenous peoples would continue to fight for their rights.

79. The year 1993 was the International Year for the World's Indigenous People. That was too short a period to heal the wounds of 500 years of massacres, humiliation and exploitation. The General Assembly of the United Nations should declare a decade for indigenous people so that it would be possible to lay genuinely new foundations for peaceful and harmonious co-existence between indigenous peoples and other peoples and cultures. She drew attention to the draft declaration on indigenous people which was intended to mark the end of genocide, ethnocide and racial discrimination. The declaration set out fundamental rights for the physical and cultural survival of indigenous people: the right to land, natural resources and water, but also recognition of and respect for their world view, their cultures, languages, legal systems, medicine and customs and traditions. For indigenous peoples, the declaration was an absolute necessity in view of the massacres and ethnocide which had taken place. She also requested that the religious orders established on the land of indigenous peoples should depart, for all the peoples had their own religion and their own way of thinking. Lastly, she asserted the right to be different and the right to have differences respected. She appealed to the Sub-Commission, for the sake of the right to life and the right to peace, to monitor the situation of human rights in Colombia, in particular the situation of indigenous peoples.

80. Mrs. WARZAZI said that she was not opposed in any way to statements being made in the Sub-Commission by NGOs, but, with reference to an earlier statement by the organization on behalf of which Mrs. Zalabata had just spoken, she could not accept that an NGO should criticize her position with respect to a vote once the vote had taken place. She thought that NGOs should behave correctly with regard to the Sub-Commission and Mr. Yimer and Mrs. Palley shared that view.

81. The CHAIRMAN reminded participants of the need for punctiliousness during the debates in the Sub-Commission.